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CHAPTER

**Supplemental Statement of the Sierra Club Michigan Chapter regarding  
House Bills 5711, 5712, 5713, 5714, 5715 and 5716  
Before the House Agriculture Committee  
March 7, 2006**

**Presented by State Director Anne Woiwode**

Prevention of pollution from agricultural operations of all sorts is a universal goal. On the vast majority of Michigan farms, the Michigan Agricultural Environmental Assurance Program is a good way to encourage that.

Prevention of pollution from concentrated animal feeding operations or CAFOs, however, is a much more difficult challenge. The operations are enormous; the amount of waste produced is comparable to the amount of urine and feces from a small city at minimum, and technologies and practices that create enormous public health and environmental hazards. Attached to this testimony is a fact sheet prepared by Dr. Joan B. Rose, the Homer Nowlin Chair in Water Research at Michigan State University, called "Risks to Human Health Associated with Water and Food Contaminated with Animal Wastes". Of most interest in this discussion is Dr. Rose's inclusion on page 4 of the pathways for contamination of water by CAFOs. Also attached is Sierra Club's annotated photograph of a dairy CAFO showing many of the pathways from this particular facility, which are common to most CAFOS. CAFOs may benefit from involvement in MAEAP, but Michigan must not exempt these operations from laws that protect the public health, natural resources and air and water quality.

Two weeks ago you heard testimony from farmers, small business owners, a health professional, volunteer water quality monitor and others who have witnessed, documented and many cases suffered from the effects of poorly regulated CAFOs. Many of problems they documented for you will be made worse by the legislation under consideration today, specifically HB 5711, 5712 and 5714.

MAEAP verification is NOT intended to substitute for regulations that are designed to protect public health and the environment, as is apparent in the descriptions provided by MAEAP itself. As a result, MAEAP is not designed to assure that pollution is prevented and the CNMPs produced under MAEAP cannot be expected to prevent air and water pollution from CAFOs. The proposal to exempt CAFOs from all Michigan's environmental and natural resource laws if they are complying with their CNMP under MAEAP poses a serious threat, specifically in the following areas:

**Siting of CAFOs**

- Michigan has no requirements for where CAFO production areas can be built

- In Michigan and in other states abandoned CAFO waste storage lagoons create toxic waste clean up problems, costing the public significant amounts of money
- The elimination of NPDES permits removes the requirement to not abandon waste storage structures

### **Catching and Cleaning up Polluting Operations**

- Many of the most serious problems with polluting CAFOS have been caught by volunteer monitors, non-profit agency staff or neighbors:
  - State officials are not funded to do regular monitoring of operations whether permitted or not;
  - NPDES permit fees for CAFOs are much lower than comparable facilities;
  - Local people are attuned to on going activities around CAFOs and can and do go out on weekends, in the middle of the night or multiple times during and after rain storms
- Volunteer monitors are already subject to intimidation including harassment by phone, being blocked in by manure tanker trucks, dead animals in the mailbox and on the porch, and frivolous lawsuits; and
- Punishing the victims of CAFOs does not help in preventing pollution from CAFOs.

## CAFOs: Designed to Pollute

## Vreba Hoff II, Hudson, MI (approx. 4,000 dairy cows)

Information obtained from documents on file at the MDEQ & County drain maps.

Photo taken 8/16/2005

